

## **Exhibit 14**

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February 27, 2008

**VIA FACSIMILE TO (757) 873-8053 & MAIL**

Bryan H. Schempf, Esq.  
Jones, Blechman, Woltz & Kelly, P.C.  
701 Town Center Drive, Suite 800  
Newport News, VA 23606

Re: Nikolai I. Sinkine v. Tatyana Babakaeva  
Case No.: CL06000110-00

Dear Mr. Schempf:

This letter is to advise you that I have been retained by Tatyana Babakaeva in regards to a petition for charging lien you filed in the Circuit Court for the City of Hampton. I am requesting that you withdraw your petition for a charging lien in the above styled matter for the reasons set forth in my Special Appearance Objecting to Jurisdiction. If you feel that a hearing is necessary, kindly provide my office with the legal authority which supports your position that (a) the Court has retained jurisdiction; and (b) a charging lien is appropriate when the Court has not ruled as to equitable distribution.

Should you have any questions or concerns, please do not hesitate to contact my office.

Sincerely,



Teddy J. Midkiff, Esq.

TJM:tnh

cc: Tatyana Babakaeva  
Bryan H. Schempf, Esquire



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**FACSIMILE TRANSMISSION**

Transmit to: Tatyana  
Fax No.: (757) 249-3072  
Date: February 27, 2008  
In Re: Nikolai Sinkine v. Tatyana Babakaeva  
From: Teddy J. Midkiff, Esquire

Number of pages, including cover sheet: 15 page(s)

**Comment(s):**

Attached please find the letter we sent to Mr. Schempf today along with the documents we had couriered to the Court.

The information contained in this transmission is attorney privileged and confidential. It is intended for the use of the individual or entity named above. If the reader is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this transmittal is strictly prohibited. If you receive this transmission in error, please immediately notify the sender at (804) 706-9400 and return the original transmission to the address noted above via the United States Postal Service. Thank you for your cooperation.



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February 27, 2008

**BY COURIER**

Ms. Linda Batchelor Smith, Clerk  
City of Hampton Circuit Court  
101 King's Way Mall  
Hampton, VA 23669-0040

Re: Nikolai I. Sinkine v. Tatyana Babakaeva  
Case No.: CL06000110-00

Dear Ms. Smith:

Enclosed please find a Special Appearance Objecting to Jurisdiction by Tatyana Babakaeva to be filed in the above styled matter and one copy. Please date stamp the copy and return the same to my office. For your convenience I have enclosed a postage prepaid self addressed stamped envelope. Thank you for your assistance in this matter.

Should you have any questions or concerns, please do not hesitate to contact my office.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'T' and 'J' followed by 'Midkiff, Esq.'

Teddy J. Midkiff, Esq.

TJM:tnh

Enclosure

cc: Tatyana Babakaeva  
Bryan H. Schempf, Esquire,

*Attachment C*

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF HAMPTON

NIKOLAI I. SINKINE,

Plaintiff,

v.

TATYANA A. BABAKAEVA,

Defendant.

Case No.: CL06000110-00

**SPECIAL APPEARANCE OBJECTING TO JURISDICTION BY TATYANA  
BABAKAEVA**

COMES NOW Tatyana Babakaeva, by counsel, by special appearance objecting to jurisdiction herein and in support thereof states as follows:

1. On or about June 19, 2007 this Court entered a Final Decree granting a divorce from the bond of matrimony.
2. In the Final Decree the Court did not expressly reserve jurisdiction and did not make the requisite finding of clear necessity for granting the divorce while retaining jurisdiction to decide equitable distribution issues as required by Virginia Code §20-107.3A. See: *Christensen v. Christensen*, 26 Va. App. 651, 655, 496 S.E.2d 132, 134 (1998); *Toomey v. Toomey*, 251 Va. 168, 465 S.E.2d 838 (1996).
3. In an unpublished opinion, the Court of Appeals of Virginia has previously reversed this Court when it attempted to exercise jurisdiction after entry of a decree granting a divorce without making the requisite finding of clear necessity for granting the divorce while retaining jurisdiction to decide equitable distribution issues as required by Virginia Code §20-107.3A. See: *Nourdeen v. Nourdeen*, Va. Ct. of Appeals, Record No.: 2236-02-1 (2003).

4. Even if the Court did have jurisdiction the charging lien filed herein is not permitted by statute. Virginia Code §54.1-3932 states: "In causes of action for annulment or divorce an attorney may not exercise his claim until the divorce judgment is final and all residual disputes regarding marital property are concluded." (emphases added).

5. The Court did not make any rulings as to equitable distribution herein and thus those matters have not been resolved and remain in dispute. Thus, it is premature to move for a charging order herein.

6. A copy of this Special Appearance along with a letter requesting that counsel withdraw his motion was faxed to counsel on February 27, 2008.

7. To the extent that the parties have to appear to argue this motion Tatyana Babakaeva requests that this Court enter an award of sanctions pursuant to Virginia Code §8.01-271.1 for the following reasons:

a. The Court lacks jurisdiction to hear this matter as a result of the entry of the Final Decree.

b. Pursuant to Virginia Code §54.1-3932 the charging lien may not be filed until the issues of equitable distribution have been resolved which has not been done herein.

8. Thus counsel did not make reasonable inquiry that the motion was well grounded in fact and law and counsel has not made any arguments for the modification of existing law.

WHEREFORE, Tatyana Babakaeva prays that this Court dismiss the motion for a charging lien on the grounds that the Court no longer has jurisdiction over this cause or, alternatively, in the event the Court deems it has jurisdiction, dismiss the motion for a charging lien on the grounds that it is premature and any and all other relief this Court deems reasonable and just.

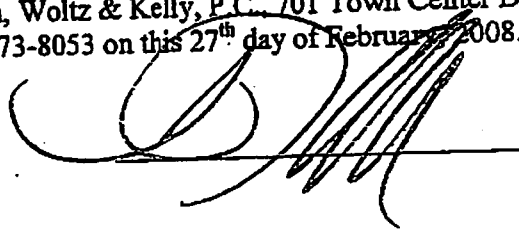
Respectfully submitted,  
Tatyana Babakaeva

By:   
Of Counsel

Teddy J. Midkiff, VSB #45659  
Goff & Midkiff, PLLC  
10310 Memory Lane, Suite 2-C  
Post Office Box 313  
Chesterfield, Virginia 23832  
Telephone (804) 706-9400  
Facsimile (804) 706-9402  
*Counsel for Tatyana Babakaeva*

#### CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served by mail and facsimile upon Bryan H. Schempf, Esquire, Jones, Blechman, Woltz & Kelly, P.C., 701 Town Center Drive, Suite 800, Newport News, VA 23606, (757) 873-8053 on this 27<sup>th</sup> day of February, 2008.



mtc

**Jones, Blechman, Woltz & Kelly, P.C.**  
**Attorneys and Counselors at Law**

ALLAN D. JONES, 1975-1954  
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F.O. BLECHMAN, 1905-1982  
ARTHUR W. WOLTZ, 1905-1993  
THOMAS N. DOWNING, 1919-2001  
STEIN J. LASSEN, 1947-2006  
HERBERT V. KELLY, 1920-2007

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REPLY TO: Newport News  
Direct Dial No. 873-8110

Internet E-Mail Address: [hschempf@jwbk.com](mailto:hschempf@jwbk.com)

February 27, 2008

The Honorable Wilford Taylor, Jr.  
Judge of Hampton Circuit Court, Part IV  
101 Kings Way  
Hampton, VA 23669-0040

**RE: Nikolai I. Sinkine v. Tatyana A. Babakaeva, Attorney's Lien**  
**Case No.: CL06-00110-00, Part IV**  
**Hearing: February 28, 2008 at 8:30 a.m.**

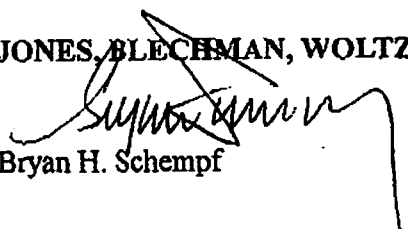
Dear Judge Taylor:

As per my staff's call to your office, I would ask that the hearing scheduled for tomorrow morning in regard to the above-styled please be removed from the docket and continued generally until further notice from my office.

Thank you for your kind assistance in this matter.

Very truly yours,

JONES, BLECHMAN, WOLTZ & KELLY, P.C.

  
Bryan H. Schempf

BHS/pkd  
Enclosure

cc: Teddy J. Midkiff, Esq. (Via Facsimile - 804-706-9402)  
Jeffrey D. Tarkington, Esq. (Via Facsimile - 425-5200)  
Mike Walsh, Esq. (Via Facsimile - 595-0123)  
Paul Wilson, Esq. (Via Facsimile - 727-7957)  
Nikolai Sinkine